

RECORD OF HEARING
AND CONTINUOUS ENFORCEMENT ORDER

Action taken by the Town of Zionsville Town Council, the Hearing Authority, at a hearing held relative to an Order to Demolish and Remove issued by the Town's Enforcement Authority, the Department of Planning and Economic Development for the Town of Zionsville, pursuant to the provisions of Indiana Code 36-7-9.

Second Hearing Date: September 8, 2020, 7:00 p.m.

Issue Date of Order: January 10, 2020

First Hearing Date: February 18, 2020

Property Owner: Jack Norton, 12405 McCord Lane, Indianapolis IN 46236;
Gary A. & Colleen Wagner, 600 East 8th Street, Sheridan IN 46069; Gary A. & Colleen Wagner, 4075 South 875 East, Zionsville IN 46077

Property Address: 4075 South 875 East, Zionsville IN 46077

Legal Description:

A PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 18 NORTH, RANGE 2 EAST OF THE SECOND PRINCIPAL MERIDIAN, IN BOONE COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT A POINT 210.0 FEET NORTH OF THE SOUTHWEST CORNER OF SAID QUARTER QUARTER SECTION AT THE NORTH LINE OF THE RIGHT-OF-WAY OF THE INDIANAPOLIS AND NORTHWESTERN TRACTION COMPANY, RUN THENCE NORTH 282.0 FEET X 166.98 FEET X 265.16 FEET X 185.79 FEET, CONTAINING 1.50 ACRE, MORE OR LESS.

EXCEPTING THEREFROM, PART OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 18 NORTH, RANGE 2 EAST, EAGLE TOWNSHIP, BOONE COUNTY, INDIANA, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 28; THENCE ALONG THE APPROXIMATE CENTER LINE OF COUNTY ROAD 875 EAST AND THE QUARTER QUARTER SECTION LINE, NORTH 00 DEGREES 37 MINUTES 04 SECONDS EAST 103.96 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID APPROXIMATE CENTER LINE OF COUNTY ROAD

875 EAST, THE QUARTER QUARTER SECTION LINE AND PART OF THE WEST DESCRIBED LINE OF THE JACK NORTON PROPERTY RECORDED IN DEED RECORD 243, PAGES 310-312, BOONE COUNTY RECORDER'S OFFICE, NORTH 00 DEGREES 37 MINUTES 04 SECONDS EAST 55.00 FEET; THENCE SOUTH 63 DEGREES 17 MINUTES 17 SECONDS EAST 185.93 FEET; THENCE ALONG PART OF THE EAST DESCRIBED LINE OF SAID NORTON PROPERTY AND THE WEST LINE OF BLOCK "J" IN THE PRESERVE AT SPRING KNOLL, SECTION FOUR B, RECORDED AS INSTRUMENT #0320298 IN PLAT BOOK 14, PAGES 24-26, SOUTH 00 DEGREES 37 MINUTES 04 SECONDS WEST 55.00 FEET; THENCE ALONG THE NORTH DESCRIBED LINE OF THE TURLEY PROPERTY RECORDED IN DEED RECORD 243, PAGES 189-191, NORTH 63 DEGREES 17 MINUTES 17 SECONDS WEST 185.93 FEET TO THE POINT OF BEGINNING, CONTAINING 0.2108 ACRE, MORE OR LESS.

Order Being Reviewed: Order to Demolish and Remove, specifically:

1. All junk, trash, debris, fire hazardous material and public health hazards in and about the unsafe premises be removed and;
2. That all buildings on the premises be demolished and removed.

Findings of Fact:

1. The Town Council of the Town of Zionsville, Indiana, as Hearing Authority, held a prior hearing on this Order on February 18, 2020. Property Owner Jack Norton appeared at that hearing and gave testimony. At the conclusion of that hearing, the Town Council approved the Order of Demolition of all structures at 4075 South 875 East, Zionsville, Indiana 46077.

2. The Enforcement Authority caused an updated inspection to be completed on August 19, 2020, which has shown that the property remains in an unsafe condition as it was described in the original Order to Demolish and Remove dated January 10, 2020.

3. Proper notice of the Order and this hearing relative to the Order was given to all persons with a substantial property interest in the real estate affected as evidenced by the Publisher's Affidavit filed with the Hearing Authority and the Affidavit of Service from the Enforcement Authority.

4. The following persons with a substantial property interest in the real estate affected were present at the hearing: _____

_____.

5. Evidence was presented by all persons present who wished to be heard.

6. The premises and all structures continue to be unsafe as alleged in the Order being reviewed, and said Order is incorporated herein by reference.

7. The persons with a substantial property interest in the real estate affected have not commenced work in an effort to comply with the Order to Demolish and Remove.

8. The premises has a negative effect on property values and the quality of life of the surrounding area.

Decision of the Hearing Authority:

1. The Hearing Authority again affirms the Order to Demolish and Remove.

2. At this time, no civil penalties are assessed due to a willful failure to comply with the Order.

3. The property owners shall have an additional ten (10) days from today's date to bring the real estate into full compliance with the Order to Demolish and Remove of January 10, 2020. Absent complete compliance, the Enforcement Authority shall solicit quotes for performance of the work required by the Order and shall cause such abatement work to be completed.

4. The Enforcement Authority is directed to solicit quotes from contractors licensed and qualified under law for performance of the work required by the Order and to provide the required notice to persons with a substantial property interest in the real estate affected.

5. The Town Council of the Town of Zionsville, as Hearing Authority, hereby issues this Continuous Enforcement Order for compliance with the Order to Demolish and Remove and for abatement of the unsafe premises, such that:

a. the Order remains in full force and effect on the property without further requirements to seek additional compliance or abatement authority or orders for the same or similar violation;

b. this Continuous Enforcement Order authorizes ongoing compliance and enforcement activities if the unsafe premises requires re-inspection or additional periodic abatements;

c. this Continuous Enforcement Order can be enforced, including assessment of fees and costs, without the need for additional notice or hearing; and

d. this Continuous Enforcement Order authorizes the Enforcement Authority to assess and collect ongoing costs for Continuous Enforcement Order activities from any party that is subject to the Enforcement Authority's Order.

6. The Enforcement Authority may be contacted at the following address, telephone number or email address:

Department of Planning & Economic Development
for the Town of Zionsville, Indiana
Attn: William Peeples, AICP
1100 West Oak Street
Zionsville IN 46077
(317) 344-1163
wpeeples@zionsville.in.gov

**TOWN COUNCIL OF THE TOWN OF ZIONSVILLE,
BOONE COUNTY, INDIANA
HEARING AUTHORITY**

	YEA Signature	NAY Signature
Josh Garrett, President		
Bryan Traylor, Vice President		
Brad Burk, Member		
Alex Choi, Member		
Joe Culp, Member		
Craig Melton, Member		
Jason Plunkett, Member		

STATE OF INDIANA)
) SS:
COUNTY OF BOONE)

Before me, a Notary Public, in and for said County and
State, personally appeared

_____ ,

_____,
_____,
_____,
_____,
_____,

who acknowledged the execution of the foregoing document.

WITNESS my hand and Notarial Seal this _____ day of
_____, 20_____.

Notary Public – Signature

Notary Public – Printed

My Commission Expires:_____

County of Residence:_____

EXECUTED AND DELIVERED in my presence:

Signature

Printed Name

STATE OF INDIANA)
) SS:
COUNTY OF BOONE)

Before me, a Notary Public in and for said County and State, personally
appeared _____, being known to me to
be the person whose name is subscribed as a witness to the foregoing instrument,
who, being duly sworn by me, deposes and says that the foregoing instrument was
executed and delivered by _____,

_____,
_____,
_____,

in the above-named subscribing witness's presence, and that the above-named subscribing witness is not a party to the transaction described in the foregoing instrument and will not receive any interest in or proceeds from the property that is the subject of the transaction.

Witness my hand and Notarial Seal this _____ day of
_____, 2020.

Notary Signature

Notary Printed Name